IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6086 OF 2002

Ashoka Apartment Co-op.Hsg. Society Ltd. ...Petitioner

vs.

R.P.Asrani and others. ...Respondents.

Mr.V.B.Rajure, for Petitioner.

Mr.M.H.Solkar, AGP for Respondent- State.

CORAM: D.K.DESHMUKH,J.

DATED: 6th April, 2005.

P.C.:-

1. The petition is to be finally disposed of pursuant to the order passed by this Court on 7.7.2003 whereby the notice was given to the respondent no.1 for final disposal of the petition.

2. The grievance of the petitioner against the order passed by the Revenue Authority dated 6th May,1999 is that before passing that order the copy of the reply which was filed by the Respondent no.1 was

not supplied to the petitioner and the petitioner was not given an opportunity to deal with the contents of that reply. In the order dated 7.7.2003 this contention was noted and the respondent no.1 was given a notice of final hearing. The Respondent no.1 is served, he is not appearing. The averments that are made in the petition to the above extent, are not disputed by the respondent no.1. In this view of the matter therefore, the order dated 6th May,1999 passed by the Divisional Joint Registrar, Co-operative Societies, Appeal, a copy of which, is at Exhibit D, is set aside.

3. The Revision Application no.308 of 1997 is remanded back to the Divisional Joint Registrar for denovo hearing and for disposal in accordance with law.

4. Rule made absolute.

There shall be no order as to costs.